



August 11, 2025

Federal Acquisition Regulatory (FAR) Council
Office of Federal Procurement Policy
Office of Management and Budget
Washington, DC 20503

Submitted via Acquisition.gov

Re: Federal Acquisition Regulation (FAR) Overhaul - FAR Part 6

Dear FAR Council:

Thank you for the opportunity to provide feedback on the Revolutionary FAR Overhaul and specifically FAR Part 6 - Competition Requirements. The Alliance for Expanding America's Workforce (AEAW) is a nationwide coalition of organizations dedicated to expanding employment opportunities for people with disabilities by modernizing the federal government's procurement process, direct hiring practices, and policies. As such, we are pleased to provide feedback as progress is made "Restoring Common Sense to Federal Procurement" through the first-ever comprehensive overhaul of the FAR.

FAR Part 6 - Competition Requirements

The AbilityOne Program (AbilityOne), established by the Javits-Wagner-O'Day Act (41 U.S.C. §§8501-8506), includes a provision for a dedicated procurement list, a mandatory source for federal agencies. The Competition in Contracting Act (CICA), as implemented via FAR Part 6, exempts AbilityOne from full and open competition as a program "expressly authorized by statute." It is logical that AbilityOne should be mentioned expressly under the "Other than full and open competition" provisions in FAR 6.103, specifically those "Authorized or required by statute" in 6.103-5.

While AEAW supports efforts to promote simplification and clarity in the FAR, the current rewrite of FAR Part 6 omits explicit references to AbilityOne as a statutory exception to full and open competition. The rewrite correctly identifies other set-aside programs (e.g., small businesses under 6.102-2, local firms under 6.102-3) and includes a general category for acquisitions "authorized or required by statute" (6.103-5), but the absence of AbilityOne as a specific instance or a distinct category within the competition framework is a notable oversight.

Specific Recommendations:

1. Enhance 6.103-5(c) – Application:



An appropriate place to reference AbilityOne explicitly is within 6.103-5(c), which lists examples of acquisitions "authorized or required by statute" that do not require full and open competition. This section currently includes examples like sole-source small business awards. Adding AbilityOne here would accurately reflect its statutory nature and its role in bypassing traditional competition.

Proposed Change for 6.103-5(c):

Modify 6.103-5(c) to include AbilityOne as an instance of an existing statutory requirement mandating procurement from specified sources, excepted from full and open competition.

Current 6.103-5(c):

"(c) Application. This authority may be used when statutes expressly authorize or require that acquisition be made from a specified source or through another agency. Examples include, but are not limited to:

(1) Sole-source awards of certain socio-economic small business concerns (see 15 U.S.C. chapter 14A); and

(2) Sole-source awards under the SBIR or STTR programs for Phase III (see 15 U.S.C. 638(r)(4)) or Phase II, when directly following a competitively awarded initial Phase II award (see 15 U.S.C. 638(ff))."

Proposed Revised 6.103-5(c):

"(c) Application. This authority may be used when statutes expressly authorize or require that acquisition be made from a specified source or through another agency. Examples include, but are not limited to:

(1) Acquisitions from nonprofit agencies participating in the AbilityOne Program (see 41 U.S.C. chapter 85 and FAR subpart 8.7), including instances where the federal agency proactively identifies a requirement that can be fulfilled by the capabilities and capacities of qualified nonprofit agencies participating in the AbilityOne Program, leading to the addition of the supply or service to the Procurement List.

(2) Sole-source awards of certain socio-economic small business concerns (see 15 U.S.C. chapter 14A).

(3) Sole-source awards under the SBIR or STTR programs for Phase III (see 15 U.S.C. 638(r)(4)) or Phase II, when directly following a competitively awarded initial Phase II award (see 15 U.S.C. 638(ff)).

Rationale: This placement accurately reflects AbilityOne's status as a mandatory source required by statute, which naturally falls under "other than full and open competition." By including language about "proactively identif[y]ing a requirement that can be fulfilled by the capabilities and capacities... leading to the addition... to the Procurement List," this language reinforces the statutory purpose of the Javits-Wagner-O'Day Act to create employment opportunities, not just fulfill existing Procurement List items.



2. New Subsection under 6.102:

While the primary statutory authority for AbilityOne to be excepted from full and open competition would be enumerated under 6.103-5, adding a distinct subsection under 6.102 to address set-aside type programs would promote ease of reference and overall visibility. If the intent of this portion of the FAR overhaul is – even in part – to provide a comprehensive overview of mechanisms that limit competition, whether through a competitive set-aside or a mandatory source, a new subsection under 6.102 could provide the clarity sought.

Proposed New Subsection for 6.102:

6.102-4 Set-asides for mandatory sources that are required under statute. Contracting officers may set aside acquisitions for non-profit agencies under the AbilityOne Program or the Federal Prison Industries. The contracting officer shall follow the purchasing priority established in 8.603.

Rationale: This proposed subsection would serve to highlight explicitly AbilityOne alongside other set-aside programs within the "Full and open competition after excluding sources" framework, thereby providing support to acquisition professionals seeking to utilize non-competitive or limited-competition avenues. It would also reinforce the statutory basis for these programs by directing users to FAR 8.603 for the specific purchasing priorities, ensuring that the mandatory nature and hierarchy are clearly understood.

Overall Impact and Alignment with FAR Overhaul:

These recommendations directly support the Revolutionary FAR Overhaul's objectives by:

- **Focusing on Statutory Mandates:** Explicitly recognizing AbilityOne under 6.103-5 reinforces the FAR's adherence to statutory requirements, as mandated by Executive Order 14275.
- **Enhancing Clarity:** Providing clear examples of "authorized or required by statute" acquisitions reduces ambiguity for contracting officers and the acquisition workforce.
- **Promoting Appropriate Engagement:** The proposed language clarifies agencies' ability to actively utilize AbilityOne's capabilities beyond existing Procurement List items, fostering opportunities for employment for individuals with disabilities, which aligns with the program's statutory mission.

By incorporating these changes, FAR Part 6 will more accurately reflect the full scope of federal procurement requirements.

We believe that integrating these changes into the FAR is essential. However, they must also be clearly and consistently presented in all supporting practitioner guides. These guides are vital for developing a knowledgeable and capable acquisition workforce, which is key to maximizing the FAR overhaul's impact.



Revolutionary FAR Overhaul
FAR Part 6 - Recommendations

Once again, The Alliance for Expanding America's Workforce appreciates the important work being done by the FAR Council and are grateful for the opportunity to provide feedback on the Revolutionary FAR Overhaul. We are available to answer any questions or provide further clarification regarding our feedback; please do not hesitate to contact us at Info@ExpandingAmericasWorkforce.org.